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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO**

6

Jorge Alberto COREAS CRUZ
7 Petitioner,

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8 v.

Todd Blanche, Acting Attorney
9 General of the United States,
Department of Justice;

10

Markwayne Mullin, Secretary of
11 Homeland Security;

11

David J. Venturella, Senior Official
12 Performing the Duties of the Director
13 of U.S. Immigration and Customs
Enforcement;

14

Patrick Divver, Field Office Director of
15 the San Diego Immigration and
Customs Enforcement Office;

16

Jorge Velarde, Assistant Field Office
17 Director of the Immigration and
Customs Enforcement, Otay Mesa
18 Detention Center;

19 Christopher J. LaRose; Senior Warden,
Otay Mesa Detention Center;

20

Respondents.

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Case No. '26CV3668 BAS VET

Agency No. 

**PETITION FOR WRIT OF
HABEAS CORPUS BY A
PERSON IN FEDERAL
CUSTODY UNDER
28 U.S.C. § 2241 AND ORDER TO
SHOW CAUSE**

1 **INTRODUCTION**

- 2 1. Petitioner, Jorge Alberto Coreas Cruz  (hereinafter “Petitioner” or
3 “Mr. Coreas Cruz”), a 48-year-old El Salvadoran national, has been detained in
4 immigration custody at the Otay Mesa Detention Center, in violation of his due
5 process rights, since approximately June 2, 2026. Ex. A, Notice to Appear
6 (“NTA”).
- 7 2. Mr. Coreas Cruz’s last entry to the United States was on or about October 1, 1998,
8 near Tecate, California, without inspection, admission, or parole. *Id.* He has
9 remained living in the United States since without departure. Neither his minimal
10 criminal history nor any aggravating circumstance should prevent his eligibility
11 for an immigration judge to conduct a bond hearing, according to the Immigration
12 and Nationality Act (“INA”).
- 13 3. Therefore, Petitioner files this petition. Petitioner asks this Court to find that his
14 continued detention is unlawful without an opportunity for a bond hearing given
15 Petitioner is entitled to consideration for release on bond under 8 U.S.C.
16 § 1226(a); that he may not be transferred during the pendency of this petition; and
17 that this court make an order to show cause. Petitioner requests Respondents be
18 required to provide a response within three days or alternatively timing pursuant to
19 Chief Judge Order No. 144.

20 **JURISDICTION**

1 4. This action arises under the Constitution of the United States and the Immigration
2 and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

3 5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
4 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United
5 States Constitution (Suspension Clause).

6 6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et*
7 *seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs
8 Act, 28 U.S.C. § 1651.

9 7. The provisions in 8 U.S.C. §§ 1252(g) and 1252(b)(9) do not strip this Court of
10 jurisdiction. Petitioner is not contesting the commencement or adjudication of
11 removal proceedings against him, nor is he raising an issue with respect to the
12 execution of removal. Petitioner does challenge his classification under Section
13 1225(b)(2) instead of Section 1226(a) and the Board of Immigration Appeals'
14 ("BIA") decision that immigration judges lack authority to provide a bond hearing
15 on that basis. The petition is independent of the removal proceedings and all
16 questions related to the commencement of removal proceedings or any part of the
17 removal process. "[C]laims that are independent of or collateral to the removal
18 process do not fall within the scope of § 1252(b)(9)." *J.E.F.M. v. Lynch*, 837 F.3d
19 1026, 1032 (9th Cir. 2016). Additionally, Section 1252(g) "does not prohibit
20 challenges to unlawful practices merely because they are in some fashion
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connected to removal orders.” *Ibarra-Perez v. United States*, 154 F.4th 989, 997 (9th Cir. 2025). Thus, this Court is not stripped of jurisdiction by Sections 1252(g) and 1252(b)(9).

VENUE

8. Venue is proper because Petitioner is detained and currently resides at the Otay Mesa Detention Center in the County of San Diego, which is within the jurisdiction of this District and no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

10. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

1 ***Petitioner***

2 11. Petitioner, Mr. Coreas Cruz, is a Salvadoran national who is in custody at the
3 Otay Mesa Detention Center located at 7488 Calzada De La Fuente, San Diego,
4 CA 92154. He is in the custody, and under the direct control, of Respondents and
5 their agents.

6 ***Respondents***

7 12. Respondent, Todd Blanche, Acting U.S. Attorney General, is sued in their
8 official capacity as the Attorney General of the United States and the senior
9 official of the U.S. Department of Justice (“DOJ”). In that capacity, they have the
10 authority to adjudicate removal cases and to oversee the Executive Office for
11 Immigration Review (“EOIR”), which administers the immigration courts and the
12 Board of Immigration Appeals. Respondent U.S. Attorney General is a legal
13 custodian of Petitioner.

14 13. Respondent, Markwayne Mullin, Secretary of U.S. Department of Homeland
15 Security (“DHS”) is sued in their official capacity as the Secretary of the DHS. In
16 this capacity, Respondent Secretary is responsible for the implementation and
17 enforcement of the Immigration and Nationality Act, and oversees U.S.
18 Immigration and Customs Enforcement, the component agency responsible for
19 Petitioner’s detention and custody. Respondent Secretary is a legal custodian of
20 Petitioner.

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1 14. Respondent, David J. Venturellas, is sued in his official capacity as the Senior
2 Official Performing the Duties of the Director ICE. Respondent Venturellas is the
3 legal custodian of Petitioner.

4 15. Respondent, Patrick Divver, is sued in his official capacity as the Field Office
5 Director of the San Diego ICE Office. Respondent Divver is a legal custodian of
6 Petitioner and has authority to release him.

7 16. Respondent, Jorge Velarde, is sued in his official capacity as Assistant Field
8 Office Director of the ICE at the Otay Mesa Detention Center. Respondent
9 Velarde is a legal custodian of Petitioner and has direct authority to release him.

10 17. Respondent, Christopher J. LaRose, is sued in his official capacity as the Senior
11 Warden, Otay Mesa Detention Center. Respondent LaRose is the direct physical
12 custodian of Petitioner and has direct authority to release him.

13 **STATEMENT OF FACTS**

14 18. Petitioner, Mr. Coreas Cruz, a 48-year-old Salvadoran national, who has built a
15 life in the United States continuously for over 28 years. Ex. A. He is married to a
16 U.S. citizen and they have two adult U.S. citizen children, ages 22 and 26.

17 19. According to Mr. Coreas Cruz, he works in landscaping, pays his taxes, and has
18 no criminal record.

19 20. Counsel is presently investigating what may have happened to his U.S. citizen
20 wife's immediate relative petition which was filed and possibly abandoned when a
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1 prior attorney did not follow up years ago. It is unclear the exact path forward on
2 that petition without the complete records, so counsel is waiting the response of a
3 complete Freedom of Information Act (“FOIA”) request. Upon receipt of those
4 documents via FOIA, it will be clear whether Petitioner has access to adjust his
5 status to a lawful permanent resident within the United States or whether he may
6 consular process with a waiver to obtain lawful permanent residency following an
7 interview abroad.

8 21. On or about June 2, 2026, he was passenger in a car driving to work. The car was
9 surrounded by vehicles and U.S. immigration agents thereafter took him into
10 custody. Later that night, ICE officers transferred him to the Otay Mesa Detention
11 Center where he remains today. The details of why the car Mr. Coreas Cruz rode
12 in was surrounded by immigration officers are unclear.

13 22. After Mr. Coreas Cruz was transferred to the custody of ICE, the DHS placed him
14 in removal proceedings pursuant to 8 U.S.C. § 1229a by serving him a NTA dated
15 May 5, 2026. DHS has charged Petitioner as being inadmissible under 8 U.S.C. §
16 1182(a)(6)(A)(i), as someone who entered the United States without inspection
17 and is present without admission. Ex. A.

18 23. Petitioner is detained pursuant to 8 U.S.C. 1226(a), which governs the detention
19 of noncitizens “inside the United States” and “present in the country.” *Jennings v.*
20 *Rodriguez*, 583 U.S. 281, 288–89 (2018).

1 24. Section 1225(b)(2), in contrast, authorizes the detention of applicants for
 2 admission who are “seeking admission” but “not clearly and beyond a doubt
 3 entitled to be admitted.” Unlike section 1226(a), section 1225(b)(2) provides that
 4 individuals who fall under its authority “shall be detained” during the pendency
 5 of proceedings, though they too remain eligible for release through the parole
 6 process. *Jennings*, 583 U.S. at 300 (holding that release on “parole” under 8
 7 U.S.C. 1182(d)(5)(A) remains available even for people held under otherwise-
 8 mandatory detention pursuant to section 1225(b)). Courts in this district have
 9 repeatedly reached the same conclusion. *See, e.g., Arias Torres v. Bondi*, No. 25-
 10 cv-2457-BAS-MSB, 2025 WL 3214773 (S.D. Cal. Nov. 18, 2025); *Martinez*
 11 *Lopez v. LaRose*, No. 25-cv-2717-JES-AHG, 2025 WL 3030457 (S.D. Cal. Oct.
 12 30, 2025); *Beltran v. Noem*, No. 25cv2650-LL-DEB, 2025 WL 3078837 (S.D. Cal.
 13 Nov. 4, 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064 (S.D. Cal. 2025); *Esquivel-*
 14 *Ipina v. LaRose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct.
 15 24, 2025); *Lucas-Miguel v. LaRose*, No. 25-cv-3022-RSH-JLB, 2025 WL
 16 3251580 (S.D. Cal. Nov. 21, 2025); *Vasquez-Diaz v. LaRose*, No. 25-cv-3038-
 17 TWR-JLB, ECF No. 6 (S.D. Cal. Nov. 13, 2025); *Cardoso v. LaRose*, No. 25-cv-
 18 3043-BJC-VET, ECF No. 7 (S.D. Cal. Dec. 12, 2025); *Maceda-Garcia v. Noem*,
 19 No. 25-cv-2968-JO-JLB, ECF No. 9 (S.D. Cal. Nov. 13, 2025); *A.S. v. LaRose*,
 20 No. 25-cv-2876-RBM-VET, ECF No. 9 (S.D. Cal. Nov. 19, 2025); *Prieto-Cordova*

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1 *v. LaRose*, No. 25-cv-2824-CAB-DDL, 2025 WL 3228953 (S.D. Cal. Nov. 19,
2 2025); *Lagarda-Vega v. Noem*, No. 25-cv-2970-GPC-DDL, 2025 WL 3558931
3 (S.D. Cal. Dec. 11, 2025); *Nayyer v. LaRose*, No. 25-cv-3111-AGS-DDL, ECF
4 No. 7 (S.D. Cal. Dec. 12, 2025); *Amaya v. Noem*, No. 25cv2892-BTM-DEB,
5 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025).

6 25. Petitioner was unquestionably detained in the interior of the country prior to the
7 issuance of the NTA. Ex. A.

8 26. Therefore, Mr. Coreas Cruz requests this court issue a habeas order requiring a
9 lawful bond hearing before a fair, neutral, and open-minded arbiter be held for
10 him so that his unlawful detention does not continue.

11 **CLAIM FOR RELIEF**
12 **Violation of the INA**

13 27. Petitioner repeats, re-alleges, and incorporates by reference each and every
14 allegation in the preceding paragraphs as if fully set forth herein.

15 28. Mr. Coreas Cruz's eligibility for bond under 8 U.S.C. § 1226(a) remains. A
16 multitude of cases have concluded that 8 U.S.C. § 1226(a) is the appropriate
17 standard for bond in Petitioner's circumstance and that applying Section 1225 "(1)
18 disregards the plain meaning of section 1225(b)(2)(A); (2) disregards the
19 relationship between sections 1225 and 1226; (3) would render a recent
20 amendment to section 1226(c) superfluous; and (4) is inconsistent with decades of

1 prior statutory interpretation and practice.” *Lepe v. Andrews*, 801 F. Supp. 3d
2 1104, 1112 (E.D. Cal. 2025) (citing cases).

3 29. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is
4 subject to mandatory detention under § 1225(b)(2), Respondents violate
5 Petitioner’s statutory rights under the INA.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 8 1) Assume jurisdiction over this matter;
- 9 2) Issue an order preventing Respondents from transferring Petitioner away from the
10 Otay Mesa Detention Center;
- 11 3) Issue an order to show cause and require a response within three days from
12 Respondents as to why this petition should not be granted, pursuant to 28 U.S.C. §
13 2243;
- 14 4) Issue a writ of habeas corpus requiring Respondents to release Petitioner unless
15 they provide a bond hearing under 8 U.S.C. § 1226(a) and that the bond hearing
16 must be before a fair, neutral, open-minded arbiter, and if the bond hearing is not
17 fair and neutral, Petitioner be released immediately;
- 18 5) Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act
19 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;
20 and
- 21 6) Grant any other and further relief that this Court deems just and proper.

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Dated: June 23, 2026

Respectfully submitted,

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/s/ Leah L. Chavarria
Leah L. Chavarria
Counsel for Petitioner

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7 **LIST OF EXHIBITS**

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EXHIBIT A: Notice to Appear

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

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12 I represent Petitioner, Jorge Alberto Coreas Cruz, and submit this verification
13 on his behalf. I hereby verify under penalty of perjury under the laws of the United
14 States and the State of California that the factual statements made in the foregoing
15 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

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Dated this 23rd day of June, 2026.

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/s/ Leah L. Chavarria
Leah L. Chavarria
Counsel for Petitioner

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